

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>WELLINGTON SPECIALTY INSURANCE</b>	)	
<b>COMPANY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.: 2:08-CV-00115-WKW-WC</b>
	)	
<b>D E ENTERPRISES, L.L.C.; J. MICHAEL</b>	)	
<b>SHEFFIELD; CASCADES DEVELOPMENT</b>	)	
<b>GROUP, L.L.C.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ANSWER TO COUNTERCLAIM**

COMES NOW the plaintiff Wellington Specialty Insurance Company (“Wellington Specialty”) and answers the counterclaim asserted by D E Enterprises, L.L.C. as follows:

**FIRST DEFENSE**

Wellington Specialty admits paragraphs 1 - 5 and 7 of the counterclaim. Wellington Specialty denies allegations in paragraphs 6, 8 and 9 and demands strict proof thereof, and denies that the counter-plaintiff is entitled to the relief asserted.

**SECOND DEFENSE**

The counterclaim fails to state a claim upon which relief can be granted.

THIRD DEFENSE

Wellington Specialty asserts waiver and estoppel.

FOURTH DEFENSE

Counter-defendant adopts and incorporates by reference its complaint, with exhibits, previously filed in this case.

FIFTH DEFENSE

Contrary to the allegations in the counterclaim, in light of the insuring agreement and exclusions in the subject policy, no coverage is owed in the underlying lawsuit.

Respectfully submitted on March 13, 2008,

s/ Mark M. Hogewood

Mark M. Hogewood (ASB-7651-E36M)

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<b>GROUP, L.L.C.,</b>	)	
	)	
<b>Defendants.</b>	)	

**Certificate of Service**

I certify that on March 13, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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I further certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant:

J. Michael Sheffield  
613 Townsend Place  
Powder Springs, GA 30127

Respectfully submitted,

s/ *Mark M. Hogewood*

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